



**US Army Corps  
of Engineers**

Vicksburg District

**4155 Clay Street**

**Vicksburg, MS 39183-3435**

**[www.mvk.usace.army.mil](http://www.mvk.usace.army.mil)**

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# General Permit

FILE NO.: General Permit 46

DATE: November 3, 2009

EXPIRES: November 3, 2014

FOR: CONSTRUCTION AND STABILIZATION OF ROADWAY EMBANKMENTS  
AND BRIDGE ABUTMENTS IN WATERS OF THE UNITED STATES AND  
FOR THE ASSOCIATED DISCHARGE OF DREDGED AND/OR FILL  
MATERIAL

WHERE: THE STATE OF MISSISSIPPI

BY WHOM: DISTRICT ENGINEER, ON BEHALF OF THE MISSISSIPPI  
DEPARTMENT OF TRANSPORTATION

The Vicksburg District is hereby reissuing a Department of the Army General Permit for the construction of roadway embankments and bridge abutments in waters of the United States performed by or having oversight from the Mississippi Department of Transportation (MDOT).

This General Permit includes activities such as the repair and stabilization of existing roadway embankments and bridge abutments in waters of the United States, the installation of additional traffic lanes to existing roadways, and the upgrading of bridges and other stream-crossing facilities. Construction along a new alignment is included where impacts to wetlands and other waters of the United States would be minimal.

This action is being taken pursuant to Federal regulations printed in the Federal Register on November 13, 1986, concerning permits for activities in waters of the United States. These regulations state the U.S. Army Corps of Engineers' responsibility for regulating structures or work in or affecting waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

An agreement was finalized between MDOT, FHWA, and the Vicksburg District, with the concurrence from the appropriate Districts, on December 12, 2008. While this agreement is in effect, all MDOT projects within the State will be evaluated by the Vicksburg

District. The address is USACE, Vicksburg District, Attention: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

Upon expiration of the agreement, since portions of the State are within jurisdictional boundaries of five United States Army Corps of Engineers Districts (enclosure 1), subsequent authorizations to proceed with work proposed under this General Permit would be granted by letter from the appropriate District within whose boundaries the work will be located. The MDOT will be notified of any changes to the agreement and furnished the mailing address of each district.

This General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit.

In cases where the District Engineer considers it necessary, application will be required for individual permits. Construction, dredging, or fill operations not specifically covered by this General Permit are prohibited unless authorized by a separate permit.

General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General Permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, state, or local agency, provided it has been determined that the environmental consequences of the actions are individually and cumulatively minimal. The determination that the proposed activities comply with the requirements for issuance of General Permits was made using information that is available for inspection at the offices of the Vicksburg District's Regulatory Branch at 4155 Clay Street, Room 233, Vicksburg, Mississippi.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District has obtained water quality certification from the Mississippi Department of Environmental Quality (enclosure 2).

The Council on Environmental Quality (CEQ) has defined mitigation to include: avoiding impacts, minimizing impacts, rectifying impacts, reducing impacts over time, and compensating for impacts. Early in the design phase of projects to be authorized under this General Permit, avoidance and minimization of impacts to wetlands and other waters of the U.S. must be considered and the least environmentally damaging practicable alternative must be selected. The remaining impacts must be compensated for to the maximum extent practicable.

In order to compensate for any unavoidable loss of wetland functions and values associated with the work authorized by the General Permit, MDOT will develop a compensatory mitigation plan. The compensatory mitigation plan shall be fully described in accordance with 33 CFR Parts 325 and 332, Compensatory Mitigation for Losses of Aquatic Resources; Final Rule, April 2008.

Authorization to conduct work under this General Permit will not negate the responsibility of the applicant to obtain other State or local authorizations or permits required by law for the proposed activity.

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, MDOT IS REQUIRED TO SUBMIT TO THE DISTRICT ENGINEER, IN WRITING, THE FOLLOWING INFORMATION, AT LEAST 30 DAYS PRIOR TO CONDUCTING THE WORK:

a. State the number of the General Permit under which the work is to be conducted. (General Permit 46)

b. Statement that the work will be conducted in compliance with the terms and conditions of the General Permit and will not adversely impact adjoining properties.

c. Location map showing the proposed worksite(s) (including section, township, range, and county).

d. A brief description of the proposed worksite in its present condition, and the estimated starting and completion dates of construction.

e. A brief description and 8 1/2- by 11-inch drawings of the proposed work, including the method of construction or stabilization, the project dimensions, and amounts and types of excavated and fill material in cubic yards.

f. A Table of Impacts to include the following for each jurisdictional area impacted: Site No.; Station ID; Township/Section/Range; County; Geographical Coordinates (Lat/Long and/or Universal Transverse Mercator (UTM) with specified datum (NAD27, NAD83, or WGS84), Area of Impact (acres/hectares); Type of Jurisdictional Area Impacted (e.g. forested wetland, emergent wetland, scrub/shrub wetland, depressional wetland, perennial stream, intermittent stream, ephemeral stream, etc.); Type of Impact (e.g. permanent fill, temporary fill, mechanized clearing, etc.); Mitigation Source.

g. Name, mailing address, and telephone number of person acting as the point of contact for the requested authorization.

h. If wetlands are to be impacted, the following information is required:

1. A map delineating the wetlands and copies of the associated data form(s) for routine wetland determinations from the 1987 Corps of Engineers Wetland Delineation Manual and associated Regional Supplements.

2. The type and date of approval of the environmental documentation by the Federal Highway Administration and a copy of their findings, as required by Executive Order 11990.

i. If the combined acreage of wetlands at a single and complete project site exceeds 1.0 acre, the application shall include a recommendation for compensatory mitigation based on a functional assessment methodology in effect for the location, which takes into account the habitat quality, and quantity of the impacted area and the proposed mitigation area. Such recommendations shall include copies of all factual information (e.g. worksheets) used in performing the calculations of the functional assessment. (Note: The District Engineer will consider this recommendation in making the final decision on compensatory mitigation measures).

j. If impacts to a perennial stream at a single and complete project site exceed 100 linear feet, MDOT shall provide all information requested by the District Engineer to determine mitigation requirements for the unavoidable loss of functions and values. (Note: MDOT is actively seeking stream mitigation banking credits in several areas of the State, and through other measures, and will offset perennial stream impacts authorized under this reissued general permit as measures are approved and as deemed necessary by the District Engineer).

k. Comments on the project, as submitted in the application package, from the Mississippi Department of Wildlife, Fisheries and Parks; the Mississippi Department of Archives and History; the Mississippi Department of Environmental Quality; and the United States Fish and Wildlife Service.

l. Concurrence, in writing, from the Mississippi Department of Marine Resources and the National Marine Fisheries Service, if the project is located in Hancock, Harrison, or Jackson County, Mississippi. (NOTE: National Marine Fisheries Service = NOAA Fisheries: Habitat Conservation Division. See "Special Condition. h." for addresses.)

Upon receipt of this information, the District Engineer will evaluate the proposal and advise either that the work is authorized under the General Permit; will request additional information, if needed; or will advise that the proposed activity will require an individual permit. Included with the letter authorizing work under the General Permit will be the number of wetland acres, if any, which must be deducted from the MDOT mitigation bank or other approved mitigation bank, or other mitigation measures (e.g. mitigation measures to offset loss functions and values of perennial streams) deemed appropriate by the District Engineer.

Special Conditions:

a. No more than 7 acres of wetlands and other waters of the United States shall be directly impacted by the placement of fill at each single and complete crossing of a water of the United States where the proposed work involves either upgrading an existing highway within an established corridor, or where the work is to be constructed along a new alignment. Any wetlands or other waters of the United States cut off from their natural hydrologic regime as a result of project work shall be considered as directly impacted. Compensatory mitigation requirements for unavoidable wetland impacts that exceed 1.0 acre at a single and complete project site shall be determined by a functional assessment method that takes into account the quality and the quantity of the impacted wetland site.

b. For stream or river crossings, discharges of permanent fill material and temporary fill material shall be the minimum necessary to complete the crossing. The term fill refers to earthen material, riprap, concrete, and any other materials associated with the work.

c. The stabilization or construction work shall not interfere with navigation (including recreational boating) or adversely impact the flow-carrying capacity of the affected stream.

d. Material to be used for fill must be nonpolluting and may be obtained either offsite or from site preparation. Offsite material shall not be obtained from wetlands outside the 7-acre limit or from other areas that may adversely affect adjacent wetlands. Any excess material shall be placed in an upland area and properly contained or stabilized to prevent entry into adjacent water bodies or wetlands.

e. Disturbed areas on the site that have the potential to impact waters of the United States shall be stabilized to minimize erosion and reduce siltation. Stabilization of soil and removal of sediment that may enter storm water shall be accomplished by the use of appropriate vegetative and structural sediment and erosion control practices. The controls must be in accordance with MS Department of Transportation's Storm Water Pollution Prevention Plan (SWPPP), as approved by MS Department of Environmental Quality. If construction scheduling at a disturbed area results in a cessation of additional construction activities for thirty or more days, appropriate temporary or permanent sediment and erosion control measures shall be implemented within seven calendar days of the cessation of construction activities. Implementation of sediment and erosion control measures shall include sufficient monitoring to evaluate success of the measures.

If initial control measures are not successful, further control measures shall be implemented until sediment and erosion control is achieved at the site (or until construction activities are continued).



f. No activity that may adversely impact a site listed in or eligible for listing in the National Register of Historic Places shall be allowed by this General Permit. Additional material shall not be taken from a known historical or archaeological site, such as an Indian Mound. If the permittee, during prosecution of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Department of the Army jurisdiction, he shall immediately notify the District Engineer. The District Engineer, in consultation with the appropriate State Historic Preservation Officer and the Tribal Archaeologists, will comply with 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

g. The work shall not occur in a National Wildlife Refuge, State Game Management Area, or other such Federal or State lands, or lands leased to those entities, without the appropriate Federal or State authorization in writing.

h. For work within the Mississippi Coastal Zone Management Area, including all areas below Interstate I-10, a set of complete plans shall be sent to the two agencies listed below for review and/or approval, as appropriate. Comments and concurrence resulting from this coordination shall be submitted with the request for authorization under this General Permit.

1. The Mississippi Department of Marine Resources  
1141 Bayview Avenue  
Suite 101  
Biloxi, Mississippi 39530
2. National Marine Fisheries Service  
Habitat Conservation Division  
Attention: Mr. Mark Thompson  
3500 Delwood Beach Road  
Panama City, Florida 32408-7403

i. All temporary fills must consist of non-erodible material or be protected to prevent erosion.

j. Any materials used for temporary structures such as cofferdams, equipment pads, or temporary crossings, shall be removed as soon as practicable, and the waterway shall be restored to preconstruction contours.

k. Disturbance to riparian vegetation shall be kept to a minimum during construction. Erosion and sediment controls should limit the exposure of disturbed areas to the shortest amount of time as possible and minimize the amount of surface area disturbed. Vegetative practices shall be designed to preserve existing vegetation where possible and revegetate disturbed areas as soon as practicable after grading or construction.

l. The discharge shall not destroy or adversely affect threatened or endangered species or their critical habitat, as identified in the Endangered Species Act.

m. Discharges shall not restrict or impede the movement of aquatic species indigenous to the waters.

n. All work shall be performed in a manner that will minimize increased turbidity of the water in the project area and otherwise avoid adverse effects on water quality and aquatic life, especially during fish spawning season. This may require avoiding construction activities during the peak spawning months of April, May, and June.

o. The discharge shall not adversely affect a public water supply intake, or a National or State Fish Hatchery intake.

p. The discharge shall not contain unacceptable levels of pathogenic organisms (as prescribed in standards set by the Mississippi Department of Environmental Quality) in areas used for water-contact sports.

q. The construction activity shall not result in the permanent diversion or relocation of a stream or a river channel, except where needed to align a waterway crossing to avoid potential damage to the roadway. In no case shall any realignment extend beyond 150 feet upstream and 150 feet downstream from the centerline of a crossing structure. The construction activity shall result in neither streamflow impediment nor drain adjacent wetlands.

r. Authorizations under this General Permit shall be valid for 5 years from the date of the authorizing letter.

s. Current standards and practices shall be used to determine what type of drainage structure is required at a particular stream crossing (box culvert, bridge, etc.).

t. To minimize potential adverse impacts on wetlands or other waters of the United States within the right-of-way or associated with the project, the Mississippi Department of Transportation shall incorporate into each project's design all practicable measures to:

1. Minimize impact on hydrology in wetland areas or other waters of the United States.

2. Minimize potential for toxic spills and leaching into wetland areas or other waters of the United States.

3. Minimize discharge of materials, such as silt, into wetlands or other waters of the United States.

4. Maintain adequate flow through wetlands or other waters of the United States by providing culverts, ditches, and other hydrologic structures.

5. Provide berms, traps, or ditches to direct potential toxic spills away from wetlands or other waters of the United States.

6. Provide for animal migration to and from wetland areas and along stream corridors that would otherwise be impacted by the project.

7. Provide erosion and sediment control features throughout the construction phase of a project that would minimize both short- and long-term impacts to water quality.

8. Provide treatment facilities that may be required to treat highway runoff, which would otherwise adversely affect wetlands or other waters of the United States.

9. Provide contractual provisions for stopwork orders, project staging, and other specifications pertaining to minimizing impacts on wetlands or other waters of the United States, and to onsite monitoring.

General Conditions:

a. MDOT must allow representatives from the appropriate Corps' office to inspect the authorized activity to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of the permit.

b. This permit does not obviate the need to obtain other Federal, State or local authorizations required by law.

c. This permit does not grant any property rights or exclusive privileges.

d. This permit does not authorize any injury to the property or rights of others.

e. This permit does not authorize interference with any existing or proposed Federal project.

f. In issuing this permit, the Federal Government does not assume any liability for the following:

(1) Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities, or from natural causes.

(2) Damages to the permitted project, or uses thereof, as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.



(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

(4) Design or construction deficiencies associated with the permitted work.

(5) Damage claims associated with any future modification, suspension, or revocation of this permit.

g. In issuing individual authorization under this General Permit, the Government will rely on the information and data, which the permittee provides in connection with his permit application. If, subsequent to the authorization, such information and data prove to be false, incomplete, or inaccurate, this authorization may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

h. The United States Army Corps of Engineers may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

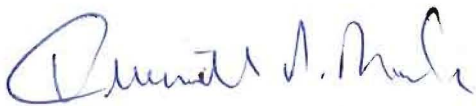
1. Failure to comply with the terms and conditions of this permit.

2. The information provided in support of a request for authorization proves to have been false, incomplete, or inaccurate (see g., above).

3. Significant new information surfaces which was not considered in reaching the original public interest decision.

i. This General Permit is valid for 5 years. At the end of that time, the cumulative environmental effects of completed work will be reviewed and reissuance of the permit may be considered. However, if unforeseen adverse environmental effects result from the issuance of this General Permit, it may be modified or terminated at any time.

Additional copies of this notice are available upon request from this office. Requests may be addressed to the USAED, Attention: CEMVK-OD-FP, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

  
MICHAEL F. MCNAIR, R.F.  
Chief, Regulatory Branch

Enclosures





**STATE OF MISSISSIPPI**

HALEY BARBOUR

GOVERNOR

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

TRUDY D. FISHER, EXECUTIVE DIRECTOR

May 14, 2009

Certified Mail No. 7004 1350 0001 1490 9071

Mr. David Lofton  
U.S. Army Corps of Engineers, Vicksburg District  
4155 Clay Street  
Vicksburg, Mississippi 39183-3435

Dear Mr. Lofton:

Re: US Army COE, Vicksburg  
District, General Permit 46  
Warren County  
COE No. General Permit 46  
WQC No. WQC2009010

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Office of Pollution Control (OPC) issues this Certification, after public notice and opportunity for public hearing, to U.S. Army Corps of Engineers, Vicksburg District, an applicant for a Federal License or permit to conduct the following activity:

US Army COE, Vicksburg District, General Permit 46: Reissuance of a statewide General Permit (GP-46) for construction of roadway embankments and bridge abutments in waters of the United States. This General Permit includes activities such as the repair and stabilization of existing roadway embankments and bridge abutments, the installation of additional traffic lanes to existing roadways, the upgrading of bridges and other stream-crossing facilities. Construction along new alignment would be included where impacts to wetlands would be minimal. This General Permit would be authorized for use by the Mississippi Department of Transportation. This General Permit would be for use within the boundaries of the State of Mississippi [General Permit-46, WQC2009010].

The Office of Pollution Control certifies that the above-described activity will be in compliance with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act and Section 49-17-29 of the Mississippi Code of 1972, if the applicant complies with the following conditions:

05-26-09 P12:58 RCVD

48690 WQC20090001

OFFICE OF POLLUTION CONTROL

POST OFFICE BOX 2261 • JACKSON, MISSISSIPPI 39225-2261 • TEL: (601) 961-5171 • FAX: (601) 354-6612 • [www.deq.state.ms.us](http://www.deq.state.ms.us)

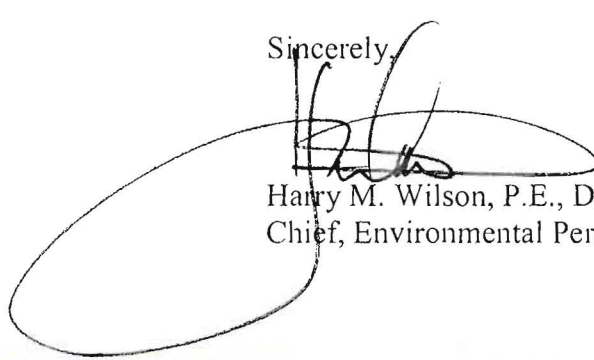
AN EQUAL OPPORTUNITY EMPLOYER

1. The Mississippi Department of Environmental Quality shall require a minimum 30-day commenting period for new alignment work that impacts more than three acres of wetlands.
2. Prior to the start of construction activities, coverage under a Stormwater Construction General NPDES Permit shall be obtained. No construction activities shall begin until such approvals are obtained.
3. Extreme care shall be taken to prevent the permanent restriction or impedance of water flow. Pre-construction hydrology shall be maintained.
4. Storm water discharges shall be free from suspended solids, turbidity, and color at levels inconsistent with the receiving waters.
5. No sewage, oil, refuse or other pollutants shall be discharged into the watercourse.
6. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

The Office of Pollution Control also certifies that there are no limitations under Section 302 nor standards under Sections 306 and 307 of the Federal Water Pollution Control Act which are applicable to the applicant's above-described activity.

This certification is valid for the project as proposed. Any deviations without proper modifications and/or approvals may result in a violation of the 401 Water Quality Certification. If we can be of further assistance, please contact us.

Sincerely,



Harry M. Wilson, P.E., DEE  
Chief, Environmental Permits Division

HMW: tgt

cc: Mr. Anthony Lobred, U.S. Army Corps of Engineers, Vicksburg District  
Mr. David Felder, U.S. Fish and Wildlife Service  
Ms. Willa Brantley, Mississippi Department of Marine Resources  
Mr. Duncan Powell, Environmental Protection Agency  
Ms. Janet Riddell, Office of Budget & Fund Management